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PATENT  
P-4278

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Oscar J. Llorin et al.

SERIAL NO.: 09/128,340

GROUP: 1651

FILING DATE: August 3, 1998

EXAMINER: D. Ware

FOR: CELL DISRUPTION METHOD USING SONICATION

**RESPONSE PURSUANT  
TO 37 C.F.R. §1.111**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231	
ON:	<u>December 30, 1998</u> (DATE OF DEPOSIT)
BY:	<u>Mary Lou Kittren</u> (NAME)
<u>Mary Lou Kittren</u> (SIGNATURE)	<u>12-30-98</u> (DATE)

In response to the Office Action mailed on October 1, 1998, please consider the following remarks.

Remarks

The outstanding Office Action presented a rejection of claims 1-13 under 35 U.S.C. §103(a) as being unpatentable over Miller (U.S. Patent No. 3,771,354) in view of Wood et al. (U.S. Patent No. 5,693,500). It was alleged that "Miller teaches the technique of ultrasonic energy to be useful without beads (see columns 3-4, all lines)" and that "Wood et al. teach the use of a sonic bath to lyse cells of mycobacteria (see columns 6-7, all lines)." It was also alleged that it "would have been obvious to one of ordinary skill in the art at the time of applicants' invention to utilize the ultrasonic technique without beads as disclosed by Miller on the mycobacteria disclosed by Wood et al." It was then further alleged that "there would have been an expectation of a successful result while using Miller's technique on cells since Wood et al.